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Docket No.: SWA-003-US

PATENT COOPERATION TREATY (PCT)
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

IN RE APPLICATION OF: MOINEAU, Gilbert, et al.

INTL. APPLICATION NO.: PCT/CA99/01012

SERIAL NUMBER: 09/830,477

INTL. FILING DATE: 29 OCTOBER 1999

FOR: DNS RELAY MODULE IN A DIGITAL NETWORK MODEM

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International Division

PETITION UNDER 37 CFR 1.47(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Petition is submitted under 37 CFR 1.47(a) for the above-identified application. A Petition under 37 CFR 1.47(a) is submitted where a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort. Such an application may be made by the other inventor on behalf of himself or herself and the non-signing inventor. The oath or declaration in such a case must be accompanied by the following:

1) a Petition including proof of the pertinent facts;

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2) the requisite fee; and

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3) the last known address of the unavailable inventor.

The present Petition is being made by one inventor, Gilbert Moineau, under 37 CFR 1.47(a), on behalf of himself and the second inventor, Jérôme Duplaix, who cannot be found or reached after diligent effort. The granting of this Petition is necessary in order to preserve the rights of Applicants, as the present application will go abandoned absent response to the outstanding Notification of Missing Requirements Under 35 U.S.C. 371 in the United States

Designated/Elected Office (DO/EO/US), which is due with a three month extension by October 23, 2001.

PERTINENT FACTS

The above-identified application was filed on behalf of two named inventors, Gilbert Moineau and Jérôme Duplaix. In accordance with MPEP §409.03(a), all available inventors are required to make oath or declaration on their own behalf and make oath or declaration on behalf of the non-signing joint inventor. An oath or declaration signed by all the available joint inventors with the signature block of the non-signing inventor left blank may be treated as having been signed by the available joint inventor on behalf of the non-signing inventor, unless otherwise indicated.

Mr. Moineau executed the Declaration and Power of Attorney for this case on September 20, 2001, and left the signature block blank for the non-signing inventor, without providing any other indication. A copy of the executed Declaration and Power of Attorney is attached. The Declaration and Power of Attorney signed by Mr. Moineau therefore meets the requirements of the oath or declaration under MPEP §409.03(a) to support the present Petition.

This Petition is being filed "after diligent effort" to reach Mr. Duplaix has been made. Mr. Duplaix's last known address is 4850 Bellechasse, Montréal, Québec H1T 1Z4 Canada, and his last known telephone number is 514-257-6222. Per the attached declaration, on behalf of the representatives of the Applicants, Isabelle Chabot attempted to reach Mr. Duplaix by his last known telephone number, but found the number disconnected. Ms. Chabot also sent copies of the application and declaration and power of attorney documents to the last known address of Mr. Duplaix, on two separate occasions, which have been signed for by occupants at the address,

neither of whom is Mr. Duplaix. The first package was signed for by "Marc Bell," and the second was signed for by "Sylvie Duplaix." No further information is available regarding these two signatories, and no contact has been received from either of the signatories or from Mr. Duplaix as a result of these deliveries.

SUPPORT FOR PETITION

In support for this petition, the following documents are submitted herewith.

- 1) A Declaration and Power of Attorney for Patent Application executed on September 20, 2001, by one inventor, Gilbert Moineau, with the signature block for the unavailable inventor, Jérôme Duplaix left blank, and no other indication made by Mr. Moineau, in accordance with MPEP §409.03(a);
- 2) A Declaration of Isabelle Chabot under 37 CFR 1.47(a) setting forth the pertinent facts supporting diligent efforts to obtain the signature of the unavailable inventor, Jérôme Duplaix; attached to the Declaration of Ms. Chabot is relevant documentation regarding diligent efforts to locate the unavailable inventor, Jérôme Duplaix, including the results of a reverse lookup search using the Infospace.com website, the results of a 411 website search, and copies of two delivery receipts for hand delivery attempts to Mr. Duplaix's last known address;
- 3) A Declaration of Wilburn L. Chesser under 37 CFR 1.47(a) setting forth facts supporting the necessity of granting this Petition, in order to preserve the rights of the parties or prevent irreparable damage;
- 4) The requisite fee for this Petition, including a fee for three months extension of time, extending the due date for this Petition to October 23, 2001, responsive to

the outstanding Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US); and

- 5) The last known home address for the unavailable inventor, Jérôme Duplaix, which is 4850 Bellechasse, Montréal, Québec H1T 1Z4 Canada.

By this Petition and the attached documentation, Applicants submit that they have clearly shown that diligent efforts have been made to contact the inventor Jérôme Duplaix, and that he is unavailable, and further that granting of this Petition is necessary in order to preserve the rights of the parties or prevent irreparable damage.

It is understood that the filing of this Petition is responsive to the pending Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US). This Petition is being filed with the requisite fee and extension fees, as indicated above. If any additional fees are required in connection with the filing of this Petition or response to the Notification, the Commissioner is hereby authorized to charge the same to deposit account no. 50-1442. Favorable action on this Petition is earnestly requested.

Respectfully submitted,



Steven B. Kelber (30,073)
Wilburn L. Chesser (41,668)
Agents for Applicant

PIPER MARBURY RUDNICK & WOLFE LLP
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Washington, DC 20036-2412
Telephone No. (202) 861-3900
Facsimile No. (202) 223-2085

Docket No.: SWA-003-US

PATENT COOPERATION TREATY (PCT)
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

IN RE APPLICATION OF: MOINEAU, Gilbert, et al.

INTL. APPLICATION NO.: PCT/CA99/01012

SERIAL NUMBER: 09/830,477

INTL. FILING DATE: 29 OCTOBER 1999

FOR: DNS RELAY MODULE IN A DIGITAL NETWORK MODEM

DECLARATION OF WILBURN L. CHESSER UNDER 37 CFR 1.47(a)

I, Wilburn L. Chesser, declare as follows:

1. I am registered to practice before the U.S. Patent and Trademark Office and have a registration number of 41,668. I have been involved in the preparation and filing of the subject application and am familiar with the status for the subject application and file pertaining thereto.

2. Completion of the filing requirements for the above-identified application is necessary to preserve the rights of the parties or prevent irreparable damage. A response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) for the application, is due on October 23, 2001, with a three month extension. Failure to grant the Petition under 37 CFR 1.47(a) in response to this Notification may result in the Patent and Trademark Office deeming the application abandoned, thus irreparably harming the applicants.

3. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that the statements are made with the knowledge that willful statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code and that such willful false statements jeopardize the validity of the application or any patent issuing therefrom.

Date: 10/23/01


Wilburn L. Chesser

Docket No.: SWA-003-US

PATENT COOPERATION TREATY (PCT)
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

IN RE APPLICATION: Gilbert MOINEAU, et al. GROUP ART UNIT:

SERIAL NUMBER: 09/830,477 EXAMINER:

FILED: April 27, 2001

FOR: DNS RELAY MODULE IN A DIGITAL NETWORK MODEM

DECLARATION OF ISABELLE CHABOT UNDER 37 CFR 1.47(a)

I, Isabelle Chabot, declare as follows:

1. I am a Canadian citizen and a resident of LaSalle, Canada.
2. In accordance with the instructions of counsel on behalf of the Applicants for the above-identified application, I have made diligent efforts to obtain the signature of the inventor, Jérôme Duplaix, for the Declaration and Power of Attorney for this matter. These diligent efforts, which are supported by the attached documentary evidence, include the following. I attempted to contact Mr. Duplaix at his last known telephone number, 514-257-6222, in August, September, and October 2001. This number was not in service in any of those months. I conducted a search via reverse lookup on the Infospace.com website for telephone numbers for Mr. Duplaix's last known address, 4850 Bellechasse, Montreal, Quebec, H1T 1Z4 Canada. The reverse lookup identified only the known last telephone number of Mr. Duplaix, 514-257-6222, as indicated in Declaration Attachment A. I conducted a search of the Canada 411 website for anyone living in any province of Canada having the family name "Duplaix." Only one entry, M. Duplaix of Montreal, Canada appeared, as shown in Declaration Attachment B. I called M. Duplaix, who has a telephone number of 514-270-8873 on or about October 15, 2001. M. Duplaix informed me that she does not know anyone by the name of Jérôme Duplaix. On October 17, 2001, I contacted the local Canadian Bell telephone operator using the "411" locator

and attempted to identify the telephone number for any listing anywhere in the province of Quebec, Canada, having the first name "Jerome" or "J." and the last name "Duplaix." No such listing was found. On two occasions I have obtained hand delivery of the application and declaration and power of attorney documents to the last known address of Mr. Duplaix. On both occasions, the delivery has been signed for by someone other than Mr. Duplaix, and I have been unable to determine a telephone number or otherwise contact the signatories. The first delivery was made on August 24, 2001, and signed for by a person named "Marc Bell" (see delivery confirmation Declaration Attachment C). No other information is available regarding Marc Bell, and we have received no contact from Marc Bell or from Mr. Duplaix as a result of this delivery. The second delivery was made on October 15, 2001, and signed for by a person named "Sylvie Duplaix" (see delivery confirmation Declaration Attachment D). No other information is available regarding Sylvie Duplaix, and we have received no contact from Sylvie Duplaix or from Mr. Duplaix as a result of this delivery.

3. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that the statements are made with the knowledge that willful statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements jeopardize the validity of the application or any patent issuing therefrom.

Date: October 22, 2001

Isabelle Chabot
Isabelle Chabot

Declaration Attachment A

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Detail

Listing details for: Canada 514-257-6222

Result 1 of 1

[update/remove](#) | [add listing](#)**J Duplaix**4850 Bellechasse
Montreal, QC H1A 1B9**Phone:** 514-257-6222☐ Add...**Related Links**☐ Click Here☐☐**More for J Duplaix:**

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Declaration Attachment B

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Total Found: 1

Name (click for details)	Address	City
DUPLAIX, M	1147 BOUL SAINT-JOSEPH E	MONTREAL

Total Found: 1

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Hint: Use full or partial name. First name optional.

LAST: FIRST: **Step 2 :** Enter person's location (optional)

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Declaration Attachment C

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NOM D'ENTREPRISE / COMPANY NAME

SHABEY OGILVY

ADRESSE / ADDRESS

1981 MCGILL COLLEGE SUITE 1600

VILLE / CITY

MONTREAL

PROVINCE

QUE

SIGNATURE

X

REFERENCE / REFERENCE

13643-8 US. W/EC

DESTINATAIRE / CONSIGNEE

NOM D'ENTREPRISE / COMPANY NAME

LIERNE DUPLAIX

ADRESSE / ADDRESS

4850 BELLEFASSE

VILLE / CITY

MONTREAL

PROVINCE

Q.B.

SIGNATURE

X

LETTERB / BOULETS / PRINT NAME

Man Bell

ORIGINALE - ORIGINAL

SERVICES - MONTREAL

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- ☒ REGULIER / REGULAR
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SERVICES - MONTREAL

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FRAS ADDITIONNEL / SURCHARGES

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Declaration Attachment D

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NOM D'ENTREPRISE / COMPANY NAME SWABEY OGILVY	ZONE
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VILLE / CITY MONTREAL	CODE POSTAL / POSTAL CODE H3A 3C1
PROVINCE QUE	TÉL. / TEL. (514) 845-7126
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DESTINATAIRE / CONSIGNEUR	
NOM D'ENTREPRISE / COMPANY NAME Jérôme Duplaix	ZONE
ADRESSE / ADDRESS 4850 Bellechasse	
VILLE / CITY Montréal	CODE POSTAL / POSTAL CODE H1T 1Z4
PROVINCE Québec	TÉL. / TEL. (514) 257-6222
SIGNATURE X <i>Jérôme Duplaix</i>	HEURE / TIME 18:00
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